IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

OP.No. 6001 of 1996(M)

PETITIONER:

MANAGING DIRECTOR, KALPAKA TRANSPORT CO.LTD.,
YMCA ROAD, CALICUT.

BY ADV. SMT.SUMATHY DANDAPANI

RESPONDENTS:

1.THE REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE, REP. BY ITS SECRETARY.

2.THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE.

3.THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.10353/96 IN O.P.NO.6001/96

DISMISSED

16.11.2007. SD/- KURIAN JOSEPH, JUDGE.

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF PUCCA PERMIT NO.CC/79/91 ISSUED BY THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, PALAKKAD TO THE PETITIONER.

EXT.P2 : TRUE COPY OF JUDGMENT PRONOUNCED BY THE THIRD RESPONDENT PREFERRED TO IN THE ORIGINAL PETITION IN MVAA NO.1880/94 DT. 6.1.1995.

EXT.P3 : TRUE COPY OF ENDORSEMENT IN EXT.P1 PERMIT VIDE ENDORSEMENT NO.C6/3028/94 DT. 20.1.1995.

EXT.P4 : TRUE COPY OF PROCEEDINGS NO.C6/7205/95 DT. 25.3.1995 BY THE SECRETARY, R.T.A., PALGHAT.

EXT.P5 : TRUE COPY OF JUDGMENT DT. 18.3.1995 IN MVAA NO.257/95 BY THE THIRD RESPONDENT.

EXT.P6 TRUE COPY OF ORDER DT. 27.12.1995 IN M.V.A. R.P. NO.618/95 BY THE THIRD RESPONDENT.

EXT.P7 TRUE COPY OF PROCEEDINGS OF THE 2ND RESPONDENT VIDE NO.G1/35088/95 D DT. 18.12.1995.

EXT.P8 TRUE COPY OF ORDER DT.18.3.1996 IN MVARP NO.93/95 PRONOUNCED BY THE THIRD RESPONDENT.

EXT.P9 TRUE COPY OF PROCEEDINGS OF THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, PALGHAT VIDE ENDT.G6.22139/96 DT. 20.3.1996.

KURIAN JOSEPH, J.

O.P.No. 6001 of 1996

Dated this the 16th day of November, 2007

JUDGMENT

This writ petition is filed with the following prayer:-

> (ii) issue a writ of certiorari or any other appropriate writ, order or direction, quashing Exhibit P7 so far as it imposed a condition granting concurrence as Ordinary Service, and Exhibit P8 order passed by the State Transport Appellate Tribunal, Ernakulam, in M.V.A.R.P.No.93/1996, dated 18-3-1996 granting concurrence to conduct the service as Limited Stop on the route, Walayar-Kozhikode Medical College with respect of Stage Carriage, KL-11/C 9569.

In C.M.P.No.10353/1996 this court passed the following order on 2-4-1996.

> "The second respondent is directed to permit the petitioner to operate on the route Walayar-Medical College with respect of the Stage Carriage Bus bearing Registration No.KL-11/C 9569 as Fast Passenger service notwithstanding the expiration of the terms specified in the permit."

Learned Standing Counsel submits that in view of the amendment the petitioner will not be in a position to operate the vehicle as Fast Passenger. It can only be operated as Super

Fast and the application is now pending before the RTA. There will be a direction to the first respondent/competent authority to consider the application filed by the petitioner with notice to the petitioner and pass appropriate orders in accordance with law thereon within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.No.6001 of 1996

JUDGMENT

16th November, 2007